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Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Some Human Rights Concerns in Nigeria*

The International Humanist and Ethical Union (IHEU) and Humanist Association of Nigeria (HAN) are concerned about three major human rights issues in Nigeria: the discrimination against those in the LGBTI community, the denial of the right to freedom of religion or belief for a significant number of people and the ongoing practice of witchcraft.

Discrimination against those in the LGBTI community

Equal rights for those in the Nigerian LGBTI community continues to be a huge point of concern. The Same Sex Marriage Prohibition Act (SSMPA) directly undermines the right to equal treatment and non-discrimination of all citizens. The bill punishes 'marriage contract and civil union entered into between persons of the same sex' with 14 years of imprisonment and 'the registration of gay clubs, societies and organisations and their meetings' as well as 'public show of same sex amorous relationships' with 10 years of imprisonment.

Following the passage of the SSMPA in 2013, LGBTI persons reported increased harassment and threats against them based on their perceived sexual orientation or gender identity. The law has been described as a tool used by police and members of the public to legitimize human rights violations against LGBTI persons such as torture, sexual violence, arbitrary detention, extortion and violations of due process rights. On 30th July 2017, over 70 young men were arrested in Lagos on the accusation of 'engaging in homosexual acts' without any evidence or legal ground.

Other effects of the SSMPA reported include increased isolation of LGBTI persons and self-censoring behaviour. According to a study published in 2015, since passage of the SSMPA, gay and bisexual men have been increasingly reluctant to access HIV health-care services due to fear of being "outed." The 707 gay and bisexual participants of the study made 756 visits to the HIV clinic before the law passed but only 420 after its enactment.

Furthermore, Sharia law and its corporal punishments are still one of the two legitimate law systems in the country. In 2000, the jurisdiction of the Sharia courts, which exist in twelve states, was extended from civil and personal matters to criminal cases. These courts condemn people who are accused of homosexual acts to death by stoning based on a simple confession, without witnesses or proof.

All of the above constitute violations not only of numerous international human rights instruments by which Nigeria is bound (such as the UN Charter, ICCPR, the African Charter, the Vienna Declaration…), but are also in breach of article 17 of the Constitution stating that the social order is founded on ideals of Freedom, Equality and Justice , that every citizen shall have equality of rights before the law and that the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced amongst other things.

Nigeria has consistently refused to accept any of the UN UPR recommendations regarding LGBTI rights, stating that "same-sex marriage is against its national values" and "not in the culture of Nigerians" and referring to polling data suggesting that 92% of Nigerians support the SSMPA on the basis of their deeply held religious, cultural and moral beliefs. Human rights and equality for all should not be undermined on a whim of the majority. Nigeria's position also goes directly against the commitment expressed by Nigeria when applying for the Human Rights Council in 2006: "reaffirms its commitment to uphold the principle of non-discrimination and the protection of the human rights of all its citizens and to this end, to accelerate the process of relevant international human rights conventions including the African Charter on Human and Peoples' Rights (…)".

Freedom of thought, conscience and belief for Humanists

Nigeria is a deeply religious country, with a population of both Christians and Muslims in a nearly equal ratio and a small percentage of the population following other religious beliefs such as indigenous faiths and no affiliations at all.

While the Nigerian Constitution guarantees freedom of religion or belief, the State endorses numerous anti-secular and theocratic policies. The government and non-state militia, such as Boko Haram, constantly violate the right to freedom of religion or belief.

Blasphemy is outlawed by the Criminal Code and Sharia law, punishable respectively by two years of imprisonment and by death.

Whilst Nigeria claims to have taken action to promote "inter-faith" dialogue and better engage religious and customary leaders, its treatment of those without religious views remains poor and engagement with humanists non-existent. State discrimination against humanist, atheist and freethinking people is manifested in a number of ways, including prohibitive social taboos against atheism and humanism and discriminatory prominence given to religious bodies, traditions or leaders, and those espousing non-theistic views being framed as blasphemers.

Whilst according to the constitution, students are not obliged to receive education of a religion that is not their own, Islamic or Christian religious education is mandatory in public school students in many regions in the country. State authorities sometimes claim that students are allowed to not attend religious instruction or to request a teacher to offer alternative instruction. However, there has been a lack of teachers in 'Christian Religious Knowledge' in many schools in the north, and there has been reports that Muslim students could not access 'Islamic Religious Knowledge' in public schools in Enugu and Edo States. There seems to be an underlying assumption that people in the country are either Christian or Muslim and must receive religious instruction in one or the other religion.

In June 2014, Mubarak Bala was assessed as needing psychiatric help because he was "an atheist" and was held against his will at a psychiatric ward in Kano, northern Nigeria. His father, formerly a senior member of the Islamic religious authorities, had orchestrated Mubarak's detention, after Mubarak had refused to keep quiet about his atheistic views on religion.

The Humanist Association of Nigeria was denied registration as an organization for 17 years before being allowed to register at the end of 2017.

"Witchcraft" accusations and related abuses

In 2008, the entire international community was in shock after seeing the horrific footage of children being killed or forced to roam the streets simply because they were labelled as "witch-children". As a result, one of the 36 states, Akwa-Ibom, adopted a law against this practice, making it punishable by 10 years imprisonment. However, up to now Akwa-Ibom is the only state with specific legislation aiming to eliminate this problem. Only 16 out of the 36 have ratified the Child Rights Act, the bill that aims to implement the Convention on the Rights of the Child, leaving children of 20 states without legal protection.

To this day, children are still branded as witches with all the terrible consequences that stigmatisation brings. For example, in August 2017, a 13-year old boy was tied to a burglar-proof for three days and burnt with a hot iron before he was rescued by the community. In June 2017, two girls, aged 10 and 13, were accused of being witches, tied up, flogged with big sticks and were burnt.

Unfortunately, the Nigerian government seems very reluctant to face this problem hands on and seems to minimize it. The Akwa-Ibom government has been seeking to discredit all NGO's and human rights defenders highlighting the issue, saying that these organisations are exaggerating to raise more funds. The governor even threatened to arrest members of these organisations.

Conclusion and recommendations

It is important to reflect on the impact of tradition and religion on people's behaviour and on societal practices. The predominantly single-minded religious and traditional view increases human rights violations in Nigeria. Whilst culture, tradition and religious doctrine are deeply important and cherished in shaping the lives of many, they should never be permitted to undermine human rights of anyone.

We therefore urge the Human Rights Council to press the government of Nigeria to:

- Revoke the SSMA immediately.
- Revoke the punishments of death by stoning under Sharia law and corporal punishment.
- Admit the existence of people who identify as LGBTI within their territory.
- Educate the Nigerian population to end the atmosphere of hate and violence towards LGTBI people and religious dissidents.

- Tackle the climate of impunity by prosecuting individuals committing human rights violations, such as accusations of witchcraft and related abuse, and attacks on citizens on the basis of their (perceived) sexual identity.
- Allow NGOs and other civil society organisations to operate freely without having fear of imprisonment or attacks.
- Respect the Nigerian Constitution and binding international instruments by ending discrimination on any ground, including one's sexual orientation or gender identity and religion or belief.
- Abolish all blasphemy laws.
- Implement the Children Rights Act in all 20 states.

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*Humanist Association of Nigeria, NGO without consultative status, also shares the views expressed in this statement.